

**EXECUTIVE SUMMARY**  
**OCCUPATIONAL SAFETY AND HEALTH**  
**APPEALS BOARD**

**Summary of STACY AND WITBECK – Decision After Reconsideration**

Unloading trucks of materials used in connection with a specific construction activity, though at a separate location from the construction activity, was employment in connection with construction so that the Construction Industry Safety Orders were applicable pursuant to 1502. Since a CSO and the cited General Industry Safety Order were inconsistent, and Employer established compliance with the CSO, Employer's appeal was granted.

Stacy and Witbeck 05-1142

May 12, 2011

**1502**

**Affirmative Defense – Incorrect Safety Order**